

**DARBY &
DARBY**

Professional Corporation

NEW YORK
805 Third Avenue
New York, NY 10022
Tel: 212.527.7700
Fax: 212.527.7701**SEATTLE**
1191 Second Avenue
Seattle, WA 98101-3404
Tel: 206.262.8900
Fax: 206.262.8901**INTELLECTUAL PROPERTY LAW**DATE: March 17, 2005

FILE #: 01191/100H584-us1

FACSIMILE NO.	RECIPIENT AND COMPANY	CONFIRMATION WILL FOLLOW
(571) 273-1121	Examiner Nyland USPTO	No

FROM: Jason C. Chumney E-MAIL: jchumney@darbylaw.com

PHONE: 212.527.7637

NO. OF PAGES: 3
(including cover page)

COMMENTS: Serial No. 09/943,369

Filed August 29, 2001

PLEASE RETURN TO SANETTE WHITE*** IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 212.527.7774**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE SO THAT WE CAN ARRANGE FOR THE RETRIEVAL OF THIS DOCUMENT AT NO COST TO YOU. THANK YOU.

()

Proposed Amendments to the Claims
USSN 09/943,369

Claims 1-16 (Canceled).

Claim 17 (Proposed Amendment): A process for preparing a secondary standard for calibrating an instrument for subsequent measurement of an analyte sample, said process comprising the steps of:

(a) mixing one or more viscosity changing polymers and at least one dye;
and

(b) gelling the mixture to form the secondary standard,
wherein the concentration of the dye is adjusted such that the fluorescent signal of the dye in the secondary standard after gelling the mixture is approximately equal or equal to the fluorescent signal of a known concentration of the dye under the conditions of the analyte sample measurement.

Claim 18 (Proposed Amendment): A process for preparing a container for calibrating an instrument for subsequent measurement of an analyte sample, said process comprising the steps of:

(a) dispensing one or more viscosity changing polymers and at least one dye
into a container to form a mixture; and

(b) gelling the mixture to form a secondary standard,
wherein the concentration of the dye is adjusted such that the fluorescent signal of the dye in the secondary standard after gelling the mixture is approximately equal or equal to the fluorescent

{W:\01191\100H584000\00387529.DOC 00000000000000000000 }

signal of a known concentration of the dye under the conditions of the analyte sample measurement.

Claim 19 (Original): The process of claim 18, wherein step (a) comprises the steps of:

- (i) mixing the viscosity changing polymers and the dye; and
- (ii) dispensing the mixture into the container.

Claim 20 (Original): The process of claim 18, wherein the viscosity of the viscosity changing polymer being dispensed ranges from about 1 to about 1,000 cP.

Claim 21 (Original): The process of claim 18, wherein the viscosity changing polymer is a pH responsive polymer.

Claim 22 (Original): The process of claim 21, wherein step (b) comprises increasing the pH of the mixture sufficiently to gel the mixture.

Claim 23 (Original): The process of claim 22, wherein the mixture in step (a) has a pH of less than about 4.5 and step (b) comprises increasing the pH to at least about 5.

Claim 24 (Original): The process of claim 22, wherein step (b) comprises diffusing an alkaline gas through the mixture.